

REMARKS**I. General**

Claims 1, 4-16, 19-25, and 27-36 are pending in the present application and stand rejected under 35 U.S.C. § 103(a). The specification stands objected to as well. Applicant respectfully traverses the rejections and objections of record.

Applicant submitted an Amendment After Final Rejection dated June 24, 2005. The Advisory Action mailed August 12, 2005 indicated that the amendments presented in the Amendment After Final Rejection were not entered. Accordingly, the claims as set forth herein do not reflect entry of the amendments proposed in the Amendment After Final Rejection.

II. Applicant's Record Under § 713.04 of Telephone Interview With Examiner

Applicant respectfully submits the following record of the telephone interview of August 23, 2005, under M.P.E.P. § 713.04.

The following persons participated in the interview: Examiner Edward R. Cosimano and Applicant's attorney R. Ross Viguet. The independent claims were discussed in reference to the applied art. Specifically, the Examiner stated that the claims read more like a product by process than the structure intended by Applicant. Applicant's attorney agreed to submit claim amendments in an Amendment Accompanying a Request for Continued Examination which more clearly present the claimed structure.

III. The Claim Amendments

Claim 1 has been amended to expressly recite the postal item having a postage indicia affixed thereto and software for generating said postal item and postage indicia. Claim 16 has been amended to expressly recite generating and printing a piece of correspondence and a postage indicia. Claim 25 has been amended to recite a computer system for generating documents and postage indicia. Claim 36 has been amended to expressly recite printing a piece of correspondence having a computer generated document and a computer generated postage indicia. No new matter has been added as the amendments are supported by the specification as filed, see e.g., paragraphs 0050-0066.

IV. Objection to the Specification

The objection to the specification questions the status of application 09/491,949 in paragraph number [0001] appearing at page 1. Applicant respectfully asserts that the data contained in paragraph number [0001] accurately reflects the current status of the referenced application. Accordingly, it is respectfully asserted that the objection with respect to the specification should be withdrawn.

V. The 35 U.S.C. § 103 Rejections

Claims 1, 6-16, 21-25, and 27-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schuessler* in view of legal precedent stating it is obvious to replace manual activity with automatic activity as set forth in *In re Venner and Bowser*, 120 U.S.P.Q. 192, 194 (CCPA, 1958). Claims 4, 5, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schuessler* in view of either Sansone et al., United States patent number 4,724,718 (hereinafter *Sansone*), Gunn, Great Brittan patent number 1380590 (hereinafter *Gunn*), or Gilham, European patent number 0331352 (hereinafter *Gilham*).

It is believed that arguments set forth in the Amendment After Final dated June 24, 2005 continue to be applicable with respect to the amended claims. Accordingly, those arguments are incorporated herein by reference.

It is further believed that the claims as amended clearly distinguish over the art of record. For example, the art of record does not teach or suggest “software for generating said postal item and said postage indicia and for printing said postage indicia on said postal item” as set forth in claim 1. Likewise, the art of record does not teach or suggest “printing said postage indicia and said piece of correspondence using said computer system” as set forth in claim 16. Similarly, the art of record does not teach or suggest “a computer system operable under control of software for generating documents and postage indicia” as set forth in claim 25. The art of record does not teach or suggest “printing a piece of correspondence using a computer system, said piece of correspondence comprising a document generated by said computer system and a postage indicia generated by said computer system” as set forth in claim 36. Accordingly, each of claims 1, 16, 25, and 36, as well as the claims dependent therefrom, are asserted to be patentable over the art of record.

VI. Summary

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P004CP1CP1C2/10107404 from which the undersigned is authorized to draw.

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Respectfully submitted,

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